



United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

June 12, 2008
MEMO ENDORSED

BY HAND

Honorable Kenneth M. Karas
United States Courthouse
300 Quarropas Street, Room 533
White Plains, New York 10601-4150

Re: Vincent Terio v. John Loosen, Prosthetics Rep.,
VA Hudson Valley, 08 CV 5267 (KMK)

Dear Judge Karas:

This Office represents defendant John Loosen, an employee of the Department of Veterans Affairs ("VA"), in the above-referenced action, in which plaintiff alleges that defendant was responsible for the "denial of hospital bedding and electrical bed base." I write respectfully to request an extension of time to answer, move or otherwise respond to the complaint.

Plaintiff served a Small Claims Summons on John Loosen at the VA on or about May 10, 2008. This Office received a copy of the Summons on May 12, 2008. The VA is an agency of the United States of America for purposes of the removal statute 28 U.S.C. §§ 1346, 1441 and 1442(a). Accordingly, on Monday, June 9, 2008, Defendant removed this action from Supreme Court, State of New York, County of Dutchess, to this Court. Pursuant to Fed. R. Civ. P. 81(c), defendant's response to the complaint is due on June 16, 2008. Based upon an initial review, the Government intends to move to dismiss the complaint, but will need additional time to investigate the allegations and consider additional grounds for dismissal. I respectfully request a 45-day extension, to July 31, 2008, to answer, move or otherwise respond to the complaint. I have been unable to contact plaintiff to obtain his consent as there is no phone number or street address on the Summons. No previous requests for an extension have been made. //

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Thank you for your consideration.

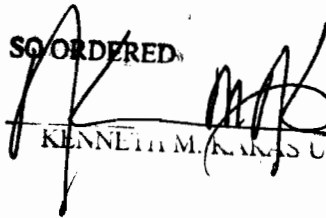
Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

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P.O. Box 131
Fishkill, New York 12524

Granted. Defendant Loosen has
until July 31, 2009 to answer or seek
leave to dismiss the Complaint.

SO ORDERED

KENNETH M. KARAS U.S.C.J.